1947.

File No. Home Guards II/47

Legal DEPARTMENT

B. BRANCH

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N/2215 **Subject:—**

Rules and Notifications under the Bombay Home Guards Act, 1947.

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Std. Sectt. Slip 24 B e.

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No. 693/3.
Home Department.
Bombay Castle, 6th June 1947.

The Bombay Home Guards Act, 1947.

NOTIFICATION.

In exercise of the Powers conferred by section 5of the Bombay Home Guards Act, 1947(Bombay Act No. III of 1947), the Government of Bombay is pleased to substitue the following for sub-rule(1)of rule 3 of the Bombay Home Guards Rules, 1946, published under Government Not ification, Home Department No.693/5,dated the 12th November 1946 and to cancel sub-rule (2) of the said rule 3:-

The Home Guards consist of a Commandant, an Assistant Commandant, an Adjutant, such staff officers as the Commandant may consider necessary, Divisional Commanders, company Commanders, Platoon Leaders, Assistant Platoon Leaders Section Leader, Assistant section Leaders and Section that consit of twelve men. Three Sections will form a Platoon, three Platoons a Company and three Companites a Division. As far as possible, each Company will have a Motorised Unit in addition.

By order of the Governor of Bombay.

Sd/- V.T. Dahejia,
Secretary to the Government of Bombay,
Home Department.

M.H.D.
10-5-[illegible]
C.4

No. 693/5.
Home Department.
Bombay Castle, 6th June 1947.

copied forwarded with compliments for information to :-

The Inspector General of Police, Province of Bombay.

The Commissioner of Police, Bombay.

The Commandant, Home Guards, Bombay.

The Commandant, Home Guards, Ahmedabad.

The District Magistrate, Ahmedabad.

The District Superintendent of Police, Ahmedabad.

The Legal Department.

Sd/-

for Secretary to the Government of Bombay,
Home Department.

Office of the Addl.A.

A revised draft notification in place of the two draft notifications a page 97 ante is sent herewith.

2. The Home Department draft notification refers to the municipal borough of Gadag. Schedule I to the Bombay Municipal Boroughs Act,1925, however, mentions the municipal borough of Gadag-Bettigiri. Reference to 'Gadag-Bettigiri' has therefore been made in the revised draft. Similarly, in view of the said Schedule reference has been made to the municipal borough of "Satara City" in place of "Satara.".

Sd/-

Deputy Secretary to Government of Legal Affairs.

H.R.D.
10-8-56

U.R. to H.D.No. 7027, dated the 31st July 1947.

NOTIFICATION.

Home Department. (a)
Bombay Castle, July 1947.

Bombay Home Guards Act, 1947

No.593/5. - In exercise of the power conferred by sub-section(3) of section 1 of the Bombay Home Guards Act, 1947(Bom.III of 1947), the Government of Bombay is pleased to direct that the said Act shall come into force in the cantonments of Poona and Kirkee and in the areas comprising limits of the following municipal boroughs will effect from 1st August 1947, namely:-

Municipal Boroughs.

Ahmednagar	Dhanwar
Jalgaon	Hubli
Amalner	Gadag-Bettigiri
Dhulia	Ratnagiri
Poona City	
Poona Suburban	Nadiad
Satara City	Broach
Sholapur	Surat
Chalisgaon	Thana
Dolgaun	Godhra
Bijapur	Godhra.

N.R.D.
10-5-56
C.4

By the order of the Government of Bombay,

Secretary to Government.

Office of the R.L.A.

Revised draft notifications Nos. I and II are sent herewith. Notification No.II should issue after Home Guards are constituted f the areas in question/

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Remembrancer of Legal Affairs.

U.R. to H.D. No.8024, dated the 30 the August 1947.

M.R.D.
23-5-56
C.4

Notification.

Home Department.

Bombay Castle, August 1947.

Bombay Home Guards Act, 1947.

No. 893/5. In exercise of the powers conferred by sub-section(3) of section 1 of the Bombay Home Guards Act, 1947(Bom. III of 1947) the Government of Bombay is pleased to direct that the said Act shal come into force in the areas comprising the limits of Valva, Karad, Tasgaon and Patan talukas and Shirala peta of the Satara District with effect from the ..... August 1947.

*Here insert the the date of notification.

By order of Governor of Bombay,

Secretary to Government.

M.R.D.-
10-5-56
C.4

NOTIFICATION.

Home Department,

Bombay Castle, August 1947.

Bombay Home Guards Act, 1947.

No.823/5.- In exercise of the powers conferred by sub-section (2) of section 2 of the Bombay Home Guards Act, 1947(Bom.III of 1947), the Government of Bombay is pleased to appoint Mr. K.J Hemavatty to be the Commandant of each of the Home Guards constituted for each of the following two areas, namely:-

1. Area comprising the limits of the municipal borough of Satara City.

2. The areas comprising the limits of Walwa, Karad, Tasgaon and Patan Talukas and Shirala peta of the Satara District.

M.R.D.-
1[illegible]47.

By order of the Governor of Bombay,

Secretary to Government.

Office of the D.L.A.

A revised draft notification is sent herewith.

2. The names of towns and villages should be shown separately as indicated in the revised draft. H.D. should ascertain that the towns in which the Act shall be brought into forces have got ascertainable limits.

Sd/-

Remembrancer of Legal Affairs.

M.R.D.
10-5-96
C.A

U.O. No. H.D. No. 9574, dated 29th September 1947.

NOTIFICATION.

Home Department.

Bombay Castle, 1947.

Bombay Home Guards Act, 1947.

No. 2099/5. In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Home Guards Act, 1947 (Bom. III of 1947), the Government of Bombay is pleased to direct that the said Act shall come into force in the areas comprising limits of the following towns and villages in the Ahmedabad District with effect from..... 1947, namely:-

*Here insert date.

Towns.	Villages.

By order of the Governor of Bombay,

Secretary to Government.

M.R.D.
10-5-56
C.A

NOTIFICATION.

Home Department.

Bombay Castle, 1947.

Bombay Home Guards Act, 1947.

No. 893/5.- In exercise of the powers conferred by sub-section(3) of section 1 of the Bombay Home Guards, Act, 1947(Bom.III of 1947)the Government of Bombay is pleased to direct that the said Act shall come into force in the area comprising limits of the municipal borough of Dahanu excluding the Railway limits between distant signals with effect from.....1947.

*here insert date.

Order of the Governor of Bombay,

N.R.D.
10-5-47
C.L.

Secretary to Government

Office of the R.L.A.

In view of Government Notification No. 833/5, dated the 20th September 1947 bringing the Bombay Home Guards Act, 1947, into force in the remaining areas of the Province of Bombay it is not necessary to issue the draft notification at page # 5 ante as proposed by H.D.

Sd/-
8-10

Remembrancer of Legal Affairs.

U.R. to H.D., No. 9885 , dated the 9th October 1947.

M.R.D.
10-5-56
G.A.

No. 2494/5.
Home Department.
Bombay Castle, 21st October 1947.

NOTIFICATION.

In exercise of the powers conferred by section 8 of the Bombay Home Guards Act, 1947, the Government of Bombay is pleased to amend the Bombay Home Guards Rules, 1946, published in Government Notification, Home Department, No. 699/5, dated the 12th November 1946, as follows:-

"to sub-rule(1) of rule 6 of of the said Rules, the following shall be added, viz.,

He may also carry a rifle or a revolver or any other weapon sanctioned by Government".

By order of the Government of Bombay.

Sd/- V.T.Dehejia,

Secretary to the Government of Bombay,
Home Department.

No. 2494/5.
Home Department.

Copies forwarded with compliments for information to:-

The Commissioner of Police, Bombay, (with reference to his endorsement No.23790/239-C, dated the 9th October 1947).

The Commandant, Home Guards, Greater Bombay, (with reference to his letter No.10006, dated the 4th October 1947,

The District Magistrate, Ahmedabad,

The District Superintendent of Police, Ahmedabad,

The Commandant, Home Guards, Ahmedabad,

The Legal Department.

By order of the Governor of Bombay,

Sd/-

for Secretary to the Government of Bombay,
Home Department.

Office of the R.L.A.

Although H.D. was requested to furnish two copies of the draft amendments at pages 3-6 ante to the Bombay Home Guard Rules as required by rule 61 of the Secretariat Instructions, H.D. has simply forwarded a copy of its note suggesting amendments and its remarks on the various suggestions made in the letter of the District Superintendant of the Police, Satara. H. D. is requested to follow strictlyxx in future the provisions of rule 61 of the Secretariat Instructions.

2. . The requisite draft notification embodying the amendments is sent herewith.

3. Para.3(1)of H.D. note at P.3 ante. In view of section 10 of the Bombay Home Guards Act, 1947, it is not necessary to amend the preamble to the Rules as suggested by the Home Department. The draft notification does not therefore provide for any amendment in the preamble.

4. Para 3(2) of H.D. note at P. 3 ante. The proposed new rule 1A is inept and has been omitted from the draft notification.

5. Para. 4(i) of H.D. note.-A proviso has been added to rule 2(2) empowering the Provincial Government to fix any other qualifications which it may deem fit in respect of any area for which the Home Guards has been constituted. The provision is elastic inasmuch as different different qualifications can be fixed for different areas having regard to the nature of the area concerned.

6. Para. 4(vi) of H.D. note at P. 6 ante:- The H.D. draft amendment 6A at page 4 ante does not appear to be in consonance with the District Superintendent of Police's suggestion which has been accepted. It is presumed the intentions is to make a provision as indicated in the draft amendment 6A, at page 4 ante.

7. It appears from paragraph 2(vi) of Government letter dated the 23rd August 1947 that Government has accepted the suggestions made by the District Superintendent of Police, Satara in paragraph 2(7) and (8) of his letter dated the 23rd July 1947. Draft amendment 4(ii) in the revised draft provides for the suggestion in para. 2(7). It is not necessary to provide for the suggestion in para. 2(8) as pointed out below.

Rule 7 already provides in the case of persons selected by the Dist. Superintendent of Police for giving training in the use of arms. This provisions is wide enough to include the course of elementary arms drill any muskety. No previous provision for prescribing the course of

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elementary arms drill and musketry is therefore necessary.

Sec also in view of rule 3(2) and Form of application (Form ' to the Rules), it is not necessary to provi'e that a member of the Home Guards shall be required to serve at any time his services are required/ No provision in that 'behalf as contemplated in para. 2 '8) of the letter of the District Superintendent of Police, Gatara dated the 23rd July 1947 has therefore been made in the revised draft notification.

8. H.D. has not suggested any amendment to the Note to Form 2. If the Headquarters of the Commandant, Home Guards are to be in the case of other areas, the head police offices the words "of the area concerned" may be substituted for the word "Ahmedabad" as proposed in the revised draft.

Before issue H.D. should verify that the amendments proposed in the revised draft are in accordance with its intentions.

9. Incidentally it is pointed out that 'L.A.'s opinion No. 9280, dated the 17th September 1947 and the papers underlying it has in view the district as a unit. The actual notification No. 893/3, dated the 29th September 1947 consequent upon this opinion speaks of "remaining areas" without specifying any unit of which such remaining areas are composed. This will create difficulties for the constitution of the Home Guards as under section 2 the Home Guards has to be constituted for each of the areas notified under sub-section (3) of section 1. H.D. is therefore requested to take steps for amending the said notification for the purpose of specifying the areas by districts or other smaller units.

Sd/-
23-4

Remembrancer of Legal Affairs.

U.O. to H.D. No. 11404 dated the 29th November 1947.

H.H.D.
11-5-56
C.4